

### **Part 3**

## **Certificates, Designations, Permits, and Licenses.**

#### **26-8a-301 General requirement.**

- (1) Except as provided in Section 26-8a-308 or 26-8b-201:
  - (a) an individual may not provide emergency medical services without a certificate issued under Section 26-8a-302;
  - (b) a facility or provider may not hold itself out as a designated emergency medical service provider without a designation issued under Section 26-8a-303;
  - (c) a vehicle may not operate as an ambulance or emergency response vehicle without a permit issued under Section 26-8a-304; and
  - (d) an entity may not respond as an ambulance or paramedic provider without the appropriate license issued under Part 4, Ambulance and Paramedic Providers.
- (2) Section 26-8a-502 applies to violations of this section.

Amended by Chapter 22, 2009 General Session

#### **26-8a-302 Certification of emergency medical service personnel.**

- (1) To promote the availability of comprehensive emergency medical services throughout the state, the committee shall establish:
  - (a) initial and ongoing certification and training requirements for emergency medical service personnel in the following categories:
    - (i) paramedic;
    - (ii) medical director;
    - (iii) emergency medical service instructor; and
    - (iv) other types of emergency medical personnel as the committee considers necessary; and
  - (b) guidelines for giving credit for out-of-state training and experience.
- (2) The department shall, based on the requirements established in Subsection (1):
  - (a) develop, conduct, and authorize training and testing for emergency medical service personnel; and
  - (b) issue certifications and certification renewals to emergency medical service personnel.
- (3) As provided in Section 26-8a-502, an individual issued a certification under this section may only provide emergency medical services to the extent allowed by the certification.
- (4) An individual may not be issued or retain a certification under this section unless the individual obtains and retains background clearance under Section 26-8a-310.

Amended by Chapter 307, 2015 General Session

#### **26-8a-303 Designation of emergency medical service providers.**

- (1) To ensure quality emergency medical services, the committee shall establish designation requirements for emergency medical service providers in the following categories:
  - (a) quick response provider;
  - (b) resource hospital for emergency medical providers;
  - (c) emergency medical service dispatch center;
  - (d) emergency patient receiving facilities; and
  - (e) other types of emergency medical service providers as the committee considers necessary.

- (2) The department shall, based on the requirements in Subsection (1), issue designations to emergency medical service providers listed in Subsection (1).
- (3) As provided in Section 26-8a-502, an entity issued a designation under Subsection (1) may only function and hold itself out in accordance with its designation.

Enacted by Chapter 141, 1999 General Session

**26-8a-304 Permits for emergency medical service vehicles.**

- (1)
  - (a) To ensure that emergency medical service vehicles are adequately staffed, safe, maintained, properly equipped, and safely operated, the committee shall establish permit requirements at levels it considers appropriate in the following categories:
    - (i) ambulance; and
    - (ii) emergency medical response vehicle.
  - (b) The permit requirements under this Subsection (1) shall include a requirement that beginning on or after January 31, 2014, every operator of an ambulance or emergency medical response vehicle annually provide proof of the successful completion of an emergency vehicle operator's course approved by the department for all ambulances and emergency medical response vehicle operators.
- (2) The department shall, based on the requirements established in Subsection (1), issue permits to emergency medical service vehicles.

Amended by Chapter 350, 2013 General Session

**26-8a-305 Ambulance license required for emergency medical transport.**

Except as provided in Section 26-8a-308, only an ambulance operating under a permit issued under Section 26-8a-304 may transport an individual who:

- (1) is in an emergency medical condition;
- (2) is medically or mentally unstable, requiring direct medical observation during transport;
- (3) is physically incapacitated because of illness or injury and in need of immediate transport by emergency medical service personnel;
- (4) is likely to require medical attention during transport;
- (5) is being maintained on any type of emergency medical electronic monitoring;
- (6) is receiving or has recently received medications that could cause a sudden change in medical condition that might require emergency medical services;
- (7) requires IV administration or maintenance, oxygen that is not patient-operated, or other emergency medical services during transport;
- (8) needs to be immobilized during transport to a hospital, an emergency patient receiving facility, or mental health facility due to a mental or physical condition, unless the individual is in the custody of a peace officer and the primary purpose of the restraint is to prevent escape;
- (9) needs to be immobilized due to a fracture, possible fracture, or other medical condition; or
- (10) otherwise requires or has the potential to require a level of medical care that the committee establishes as requiring direct medical observation.

Enacted by Chapter 141, 1999 General Session

**26-8a-306 Medical control.**

- (1) The committee shall establish requirements for the coordination of emergency medical services rendered by emergency medical service providers, including the coordination between prehospital providers, hospitals, emergency patient receiving facilities, and other appropriate destinations.
- (2) The committee may establish requirements for the medical supervision of emergency medical service providers to assure adequate physician oversight of emergency medical services and quality improvement.

Enacted by Chapter 141, 1999 General Session

**26-8a-307 Patient destination.**

- (1) If an individual being transported by a ground or air ambulance is in critical or unstable condition, the ground or air ambulance shall transport the patient to the trauma center or closest emergency patient receiving facility appropriate to adequately treat the patient.
- (2) If the patient's condition is not critical or unstable as determined by medical control, the ground or air ambulance may transport the patient to the:
  - (a) hospital, emergency patient receiving facility, or other medical provider chosen by the patient and approved by medical control as appropriate for the patient's condition and needs; or
  - (b) nearest hospital, emergency patient receiving facility, or other medical provider approved by medical control as appropriate for the patient's condition and needs if the patient expresses no preference.

Enacted by Chapter 141, 1999 General Session

**26-8a-308 Exemptions.**

- (1) The following persons may provide emergency medical services to a patient without being certified or licensed under this chapter:
  - (a) out-of-state emergency medical service personnel and providers in time of disaster;
  - (b) an individual who gratuitously acts as a Good Samaritan;
  - (c) a family member;
  - (d) a private business if emergency medical services are provided only to employees at the place of business and during transport;
  - (e) an agency of the United States government if compliance with this chapter would be inconsistent with federal law; and
  - (f) police, fire, and other public service personnel if:
    - (i) emergency medical services are rendered in the normal course of the person's duties; and
    - (ii) medical control, after being apprised of the circumstances, directs immediate transport.
- (2) An ambulance or emergency response vehicle may operate without a permit issued under Section 26-8a-304 in time of disaster.
- (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed as requiring a license or certificate for an individual to administer cardiopulmonary resuscitation or to use a fully automated external defibrillator under Section 26-8b-201.
- (4) Nothing in this chapter may be construed as requiring a license, permit, designation, or certificate for an acute care hospital, medical clinic, physician's office, or other fixed medical facility that:
  - (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse; and
  - (b) treats an individual who has presented himself or was transported to the hospital, clinic, office, or facility.

Amended by Chapter 22, 2009 General Session

**26-8a-309 Out-of-state vehicles.**

- (1) An ambulance or emergency response vehicle from another state may not pick up a patient in Utah to transport that patient to another location in Utah or to another state without a permit issued under Section 26-8a-304 and, in the case of an ambulance, a license issued under Part 4, Ambulance and Paramedic Providers.
- (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from another state may, without a permit or license:
  - (a) transport a patient into Utah; and
  - (b) provide assistance in time of disaster.
- (3) The department may enter into agreements with ambulance and paramedic providers and their respective licensing agencies from other states to assure the expeditious delivery of emergency medical services beyond what may be reasonably provided by licensed ambulance and paramedic providers, including the transportation of patients between states.

Enacted by Chapter 141, 1999 General Session

**26-8a-310 Background clearance for emergency medical service personnel.**

- (1) The department shall determine whether to grant background clearance for an individual seeking certification under Section 26-8a-302 from whom it receives:
  - (a) the individual's Social Security number, fingerprints, and other personal identification information specified by the department under Subsection (4); and
  - (b) any fees established by the department under Subsection (10).
- (2) The department shall determine whether to deny or revoke background clearance for individuals for whom it has previously granted background clearance.
- (3) The department shall determine whether to grant, deny, or revoke background clearance for an individual based on an initial and ongoing evaluation of information the department obtains under Subsections (5) and (11), which, at a minimum, shall include an initial criminal background check of state, regional, and national databases using the individual's fingerprints.
- (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that specify:
  - (a) the criteria the department will use under Subsection (3) to determine whether to grant, deny, or revoke background clearance; and
  - (b) the other personal identification information an individual seeking certification under Section 26-8a-302 must submit under Subsection (1).
- (5) To determine whether to grant, deny, or revoke background clearance, the department may access and evaluate any of the following:
  - (a) Department of Public Safety arrest, conviction, and disposition records described in Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including information in state, regional, and national records files;
  - (b) adjudications by a juvenile court of committing an act that if committed by an adult would be a felony or misdemeanor, if:
    - (i) the applicant is under 28 years of age; or
    - (ii) the applicant:
      - (A) is over 28 years of age; and

- (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor;
  - (c) juvenile court arrest, adjudication, and disposition records, other than those under Subsection (5)(b), as allowed under Section 78A-6-209;
  - (d) child abuse or neglect findings described in Section 78A-6-323;
  - (e) the Department of Human Services' Division of Child and Family Services Licensing Information System described in Section 62A-4a-1006;
  - (f) the Department of Human Services' Division of Aging and Adult Services database of reports of vulnerable adult abuse, neglect, or exploitation, described in Section 62A-3-311.1;
  - (g) Division of Occupational and Professional Licensing records of licensing and certification under Title 58, Occupations and Professions;
  - (h) records in other federal criminal background databases available to the state; and
  - (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance, pending diversion agreements, or dispositions.
- (6) Except for the Department of Public Safety, an agency may not charge the department for information accessed under Subsection (5).
- (7) When evaluating information under Subsection (3), the department shall classify a crime committed in another state according to the closest matching crime under Utah law, regardless of how the crime is classified in the state where the crime was committed.
- (8) The department shall adopt measures to protect the security of information it accesses under Subsection (5), which shall include limiting access by department employees to those responsible for acquiring, evaluating, or otherwise processing the information.
- (9) The department may disclose personal identification information it receives under Subsection (1) to the Department of Human Services to verify that the subject of the information is not identified as a perpetrator or offender in the information sources described in Subsections (5)(d) through (f).
- (10) The department may charge fees, in accordance with Section 63J-1-504, to pay for:
- (a) the cost of obtaining, storing, and evaluating information needed under Subsection (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke background clearance; and
  - (b) other department costs related to granting, denying, or revoking background clearance.
- (11) The Criminal Investigations and Technical Services Division within the Department of Public Safety shall:
- (a) retain, separate from other division records, personal information under Subsection (1), including any fingerprints sent to it by the Department of Health; and
  - (b) notify the Department of Health upon receiving notice that an individual for whom personal information has been retained is the subject of:
    - (i) a warrant for arrest;
    - (ii) an arrest;
    - (iii) a conviction, including a plea in abeyance; or
    - (iv) a pending diversion agreement.
- (12) The department shall use the Direct Access Clearance System database created under Section 26-21-209 to manage information about the background clearance status of each individual for whom the department is required to make a determination under Subsection (1).

Repealed and Re-enacted by Chapter 307, 2015 General Session